

**MINUTES
CITY PLANNING COMMISSION
APRIL 13, 2004**

1. CALL TO ORDER- VanHouten called the meeting to order at 7:00 p.m.

2. ROLL CALL

Members Present: Carlon, Cleaveland, Gronstal, Hartman, Hensley, Johns, Milford, Schoeppner, VanHouten and White

Absent: Bragg

Staff: Malmquist and Schroder

3. ADOPTION OF AGENDA

Motion by Hartman, second by Milford to adopt the agenda as printed. Motion carried by unanimous voice vote.

4. APPROVAL-MINUTES OF THE MARCH 9, 2004 MEETING

Motion by Carlton, second by Cleaveland to approve the minutes as written. Motion carried by unanimous voice vote.

5. PROOF OF PUBLICATION- Schroder

6. REVIEW OF MEETING PROCEDURES- VanHouten

7. PUBLIC HEARINGS

A. CASE #PC-04-002: Public hearing on the request of Iowa West Racing Association/dba Bluffs Run Casino to amend the approved commercial development plan for Bluffs Run Casino to expand the building, change the entrance, modify the parking and interior circulation and add signage. Location: 2701 23rd Avenue.

Craig Conrad, Hnedak Bobo Group, Inc., 104 South Front Street, Memphis, TN 38103, representing Bluffs Run Casino stated that casino intends to expand to the south and west. The expansion will consolidate the food service and gaming on the ground level. There will also be a centralized entrance, additional parking, a new entertainment lounge and additional signage. He added that a drainage plan and a landscaping plan will be submitted later. Conrad said that there was no issue with removing the barbed wire fence along the RV Park. He said that 17 Duratrans panels were similar to movie poster signs found at a theater. The signs would advertise acts in the entertainment lounges and other specials the casino is running. The panels are not intended to be visible from the street, but only from within the parking lot.

Scott Barber, assistant general manager of Bluffs Run Casino, 1 Harrah's Boulevard, Council Bluffs, IA, said that he needed guidance on Recommendation No. 4. He wanted clarification on 'participation'. Was the participation financial? Malmquist stated that it was intended to be discussions with the various parties to study access between the casino and the MidAmerica Center. Conrad said there had been preliminary conversations with RDG, the firm working on a master plan for the area. He said they are willing to continue the conversation.

Milford asked for the intent of Comment No. 5. He stated that a landscaping plan had been required in 1996, but not implemented or enforced. Barber said that the fence on the west side of the RV Park will be removed and addressed with the landscaping plan for the entire site. He is not clear what was approved in 1996. Milford asked if there is an intention to move the RV Park to another location as discussed previously. Barber said not at this time. Wade said that in the past there were conversations about moving it to the northerly side of the property.

Conrad said the existing valet parking will be converted to guest parking. There will be a porte-cochere for drop off. Hensley asked Conrad to explain the canopy design. Conrad explained the different elevation drawings included in the Commissioner's packets. Conrad showed the Commission another drawing of the porte-cochere.

Wade asked if the expansion would accommodate the addition of table games, if passed by the Iowa legislature. Barber said yes.

Malmquist asked for further discussion on the Duratrans signs. She asked that the Commission determine if the panels were considered signage or a decorative element. The total request was a significant amount, over 1700 square feet. She agreed that the building did have some bulk and may need to be 'broken up' with some sort of decorative element. Wade said it was a gray area. Conrad said the panels would mostly include pictures and other casino marketing programs. He said the intent is that they would be placed on the blank warehouse walls. Wade said that it appeared they would not be readable from the street. Malmquist said that if they could not be read from a distance that they may not be considered signs.

Hensley stated that he understood it was a gray area, but was concerned about setting a precedent for future requests. Cleaveland said he did not have a problem with allowing them, noting that that the visibility range should be a consideration.

Hensley asked if Comment Number 5 was intended to cause the applicant to move the RV Park to a new location. Malmquist said that the area is highly visible. She stated that the Planning Commission has the ability to require subsequent reviews of the planned commercial development plans. Milford said he thought that removing the fence and installing landscaping was at issue, not moving the park. VanHouten stated that he believes they are two separate issues. Malmquist stated that the whole site can be reviewed and that moving the RV Park is something that should be considered. VanHouten agreed that it should be considered, but believes that it should be done separately from the pending request.

PLANNING COMMISSION ACTION

Motion by Hartman, second by Schoeppner to recommend amending the Bluffs Run Casino development plan as adopted on December 18, 1995 by Resolution No. 95-287 and as amended by Resolution No. 96-112 on May 20, 1996, and by Resolution No. 03-231 on September 22, 2003, as stated in the staff report.

Further discussion was had by the Commissioners to amend the staff recommendation.

Motion by Hensley, second by Carlton to amend the motion above as follows:

Report Recommendation 2. *Approve the additional back lit attached signs as presented amounting to 796 square feet of area. The 'Casino' sign on the south elevation and the 'Bluffs Run' sign on the west elevation shall remain. The Duratrans panels are approved as presented.*

Add Report Recommendation 5. *By October 31, 2004 the applicant shall complete an assessment of options for relocation the RV Park and report to the Planning Commission.*

Wade suggested that to implement a plan by October 31, 2004 seemed like a short amount of time.

VOTE ON THE AMENDMENT: AYE- Carlton, Cleaveland, Hartman, Hensley, Gronstal, Johns, Milford, Schoeppner, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Bragg. Motion carried.

VOTE ON THE MOTION AS AMENDED: AYE- Carlton, Cleaveland, Hartman, Hensley, Gronstal, Johns, Milford, Schoeppner, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Bragg. Motion carried.

B. CASE #PC-04-003: Public hearing on the request of Lake Manawa Limited Partnership to amend the approved development plan for Lake Manawa Centre subdivision to allow construction of a retail sales establishment on Lot 1, Lake Manawa Centre Subdivision – Phase V. Location: Between 'Home Depot' and 'Gordmans'.

Rick North, 11506 Nicholas Street, #100, Omaha, NE 68154, representing the Lake Manawa Limited Partnership, stated that this was the last vacant site in the development. He said that in one month there will likely be a proposal for a small strip center next to Office Max. He added that there are some landscaping issues, but that some trees will be relocated.

North said that the cross access and parking easements were recorded originally with the Wal-Mart plan review. Malmquist stated that a copy of the recorded access and parking easements was a condition of approval with the replat of Lot 20 when the Gordmans' plan was reviewed. A copy was never supplied. North said it was the opinion of their attorney that to refile easements would be redundant. Wade stated that a copy of the original recorded easements and a letter of opinion from their attorney should be submitted to the Community Development Department for review.

North said that they had been trying to locate Best Buy in the development for several years. At the time there was a difficulty between Toys Я Us and Best Buy. Those circumstances have changed. North said that the Best Buy site is somewhat hidden and should be allowed additional signage. The site has limited visibility from within the development. The pole sign is needed to get people into the development, but once in the development they need wall signs to find the building.

Hensley asked what size building the site was designed to accommodate. North said originally a 30,000 square foot building. Hensley noted that the amount of signage approved with the replatting was for an even larger store than is being built. North stated that he did not request enough signage at the time, but that more is necessary to adequately sign the Best Buy store.

Hensley requested that the Chair limit the applicant's comments which were becoming repetitive regarding the signage. He noted that the Commission understands that the applicant wants additional signage.

Wade asked the size of the two Best Buy stores in Omaha. Todd Rohrer, representing Best Buy, stated that the store on Dodge Street is 30,000 square feet, and that the store near Oakview Mall is 28,000 square feet. He added that they have just completed renovation of the Dodge Street store and intend to relocate the Oakview store to another location in Omaha.

Carlton asked what amount of signage would be sufficient for Best Buy. Rohrer answered that the amount requested is ideal. Gronstal asked if less signage could work. Rohrer said that Best Buy would work with whatever amount of signage is allowed, but that the proposed amount is preferred.

Schoeppner asked for the location of the pole sign. Rohrer showed the Commission on the site plan.

Hensley asked Malmquist how the amount of signage was determined. Malmquist stated that it was prorated based on the size of the two lots when replatted. She said that typically it is two times the amount of street frontage, but this lot has no direct public access.

North explained the federal regulations regarding placement of pole signs within 660 feet of interstate highways. Carlton said it may be beneficial to keep more signage on the pole sign and less on the building.

Carlton asked how they planned to address the required ADA parking. Bob Long, The Schemmer Associates, 1920 Rue Street, #1, Council Bluffs, IA 51503 said that they do have ADA parking, but that the layer must have been turned off when the copies were printed.

Gronstal said that the signage did not seem equitable. He recalled that the Commercial Federal site had much more signage and will be a much smaller building. Malmquist stated that the Commercial Federal site was a corner lot with a large amount of frontage. Total signage is not based on building size, but lot frontage. Hartman said that if they need the pole sign then they would have to deal with much less area on the building.

Gronstal suggested that 500 square feet of signage should be allowed. Malmquist stated that if the site did abut public right-of-way, two times the street frontage would allow them approximately 400 square feet of signage, not much more than they are currently allowed.

Hensley said he was glad that Best Buy would be locating in Council Bluffs, but that the signage regulations need to be consistently enforced. Granting variances on signage sets a bad precedent. Gronstal said he doesn't think it is an adequate amount of signage. Hensley said that it is just bad luck that Best Buy is locating at the last available lot and that it does not have the exposure that some of the earliest built lots have.

PLANNING COMMISSION ACTION

Motion by Gronstal, second by Carlton to recommend amending the Lake Manawa Centre Planned Commercial Development plan as approved by Resolution No. 92-104 and amended by Resolution No. 92-117, Resolution No. 94-51, Resolution No. 95-216, Resolution No. 00-190, Resolution No. 01-12, Resolution No. 01-181, Resolution No. 02-348 and Resolution No. 03-170, amended as follows :

1. A copy of the recorded cross-access and parking agreements required at the time Lot 20, Lake Manawa Centre Subdivision was recorded shall be recorded and submitted to the Community Development Department in accordance with Resolution No. 02-324 prior to consideration by the City Council.
2. Approval of the landscaping plan as shown in Attachment 'B' with the following conditions:
 - A. Additional landscaping shall be placed in the raised islands on the easterly side of the parking lot.
 - B. Additional planting shall be reviewed for type, size, quantity and placement, and approved administratively by the Community Development Department.
 - C. No Certificate of Occupancy shall be granted until the landscaping is installed in accordance with the approved plan.
3. Approval of ~~365~~ 500 square feet of signage. The proposed signage request shall be revised to comply with the amount of signage previously permitted for the site. Signage shall comply with all applicable city, state and federal regulations. The applicant or an approved agent shall obtain all necessary permits. Location of the detached sign shall be reviewed and approved by the Public Works and Community Development Departments during the sign permit application process.

VOTE: AYE- Carlton, Gronstal, Hartman, Schoeppner, VanHouten and White. NAY- Cleaveland, Hensley, Johns and Milford. ABSTAIN-None. ABSENT- Bragg. Motion carried.

C. CASE #ZC-04-003: Public hearing on the request of M properties to rezone 2.76 acres in part of Lot 1, SW¼ SE¼ lying west of I-80 and part of Lots 1 and 2, Auditor's Subdivision of the SE¼ SW¼ lying west of I-80 and east of valley View Drive, all in Section 32-75-43 from A-2/Parks, Estates and Agricultural to C-2 Commercial. Location: 928 Valley View Drive.

Bill Stazzoni, Ayars and Ayars, stated that the land needs to be rezoned to accommodate the proposed retail center. Hartman asked where the site was located. Mark McKeever, 1851 Madison Avenue, Suite 722 A, Council Bluffs, IA, stated that it was between Frontier Bank and the Valley View Apartments.

Carlton asked what was shown in the middle of the plan. McKeever said it was a clock tower. He added that there would be a courtyard with benches in the center.

Stazzoni said that it would have two 10,000 square foot buildings. The building in the middle would be 3-5,000 square feet. The uses would be retail or small offices, no restaurants. McKeever added that they are trying to create a village atmosphere.

Carlton asked what the building fronts would look like. McKeever said they would be stone and brick. Stazzoni said there would be some EFIS. Wade asked the applicant to explain the grade change between the property and the Valley View Apartments. Stazzoni said there is a slight grade change as indicated by a topographic survey

done by HGM. There are floodplain issues as well. Some of the site will need to be raised, but the project should result in net grading.

Hensley asked when the project would be complete. Stazzoni said they would start this summer and be open by spring 2005. McKeever said that they would be ready for tenant finish by December. He said he has not been marketing the site, but that he has had inquiries.

PLANNING COMMISSION ACTION

Motion by Cleaveland, second by Milford to recommend rezoning 2.76 acres in part of Lot 1, SW1/4 SE/4 lying west of I-80 and part of Lots 1 and 2, Auditor's Subdivision of the Se1/4 Sw1/4 lying west of I-80 and east of Valley View Drive, all in Section 32-75-43 from A-2/Parks, Estates and Agricultural to C-2 Commercial..

VOTE: AYE- Carlon, Cleaveland, Hartman, Hensley, Gronstal, Johns, Milford, Schoeppner, VanHouten and White. NAY- None. ABSTAIN-None. ABSENT- Bragg. Motion carried.

8. OTHER BUSINESS

A. Annual Report

Hensley asked if there had been a change in the number of cases heard. Malmquist said there had and called his attention to the chart in the beginning of the report.

Motion by Carlon, second by Hensley to accept the report and forward it to the Mayor and City Council. Motion carried by a unanimous voice vote.

B. City Council Update

Malmquist said that the rezoning near Oak Ridge Estates had been moved on to second consideration.

C. Report of the Nominating committee – Election of Officers

VanHouten stated that the committee nominated Cleaveland for Chair and Schoeppner for Vice Chair. Motion by Hartman, second by Milford to accept the nominations. Motion carried by unanimous voice vote.

Malmquist thanked VanHouten for his service throughout the year.

D. Other items of interest.

None.

9. ADJOURNMENT- VanHouten adjourned the meeting at 8:40 p.m.